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In addition, the Examiner has identified claims 1 and 4-7 as generic. Applicants hereby provisionally elect Species I, which is encompassed by current claims 8-18. Applicants reserve the right, if claims 1 and 4-7 are finally held to be allowable, to amend one or more of the claims of unelected Species 2 and 3 to depend from one of the allowable generic claims, and to rejoin these amended claims for consideration by the Examiner in accordance with 37 C.F.R. 1.141. Applicants further herby reserve the right to continue prosecution of one or more of the non-elected claims in a divisional application at a future time.

This provisional election of Species 1 is made with traverse. Applicants note that MPEP 37 C.F.R. 1.146 states the following:

In the first action on an application containing a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby, the examiner may require the applicant in the reply to that action to elect a species of his or her invention to which his or her claim will be restricted if no claim to the genus is found to be allowable. However, if such application contains claims directed to more than a reasonable number of species, the examiner may require restriction of the claims to not more than a reasonable number of species before taking further action in the application. (Emphasis added.)

Applicants submit that the present restriction requirement has been issued **after** the mailing of the first Office Action, which was mailed on April 6, 2006. Therefore, Applicants respectfully submit that the present restriction requirement is improper under the provisions of 37 C.F.R. 1.146 and request that the restriction requirement be reconsidered and withdrawn.

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance. If there are any other issues remaining which the Examiner believes

could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: October 6, 2006

Respectfully submitted,

By


Thomas L. Bean

Registration No.: 44,528

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

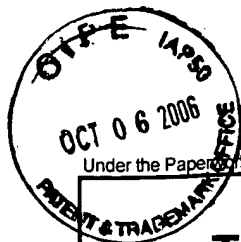
(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant

10-10-06

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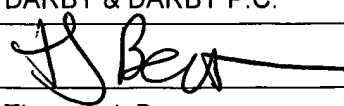
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/539,926-Conf. #8405
		Filing Date	June 14, 2005
		First Named Inventor	Sadamu Ishidu
		Art Unit	2811
		Examiner Name	S. W. Crane
Total Number of Pages in This Submission		Attorney Docket Number	20239/0202616-US0

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Mailing Restriction Requirement Postcard
<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Thomas J. Bean		
Date	October 6, 2006	Reg. No.	44,528



Application No. (if known): 10/539,926

Attorney Docket No.: 20239/0202616-US0

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Response to Restriction Requirement (with Traverse) (3 pages)
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